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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,998	03/07/2007	**Walter Tuppa**	2003P16668WOUS	9456

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EXAMINER	
AMBAYE, MEWALE A	

ART UNIT	PAPER NUMBER
4124	

MAIL DATE	DELIVERY MODE
03/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/580,998	TUPPA, WALTER	
	Examiner	Art Unit	
	MEWALE AMBAYE	4124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *8-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *8-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/06/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 8-19 are pending.

Oath/Declaration

2. The oath/Declaration filed on 03/07/2007 is accepted by the examiner.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

4. The information disclosure statement filed on 05/26/06 is in compliance with 37 CFR 1.97. Accordingly, the information discloser statement is being considered by the examiner.

Drawings

5. The drawings filed on 05/26/06 are accepted by the examiner.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim **8-19** is rejected under U.S.C. 103(a) as being unpatentable over Ofek et al (hereinafter referred as Ofek), US Patent No. 6,259,695 in view of Malomsoky et al (hereinafter referred as Malomsoky) International Publication No. WO 02/073901 and further in view of Kalkunte et al (hereinafter referred as Kalkunte) US Patent No. 5,854,900.

8. **As per claim 8, 15 & 19:** Ofek discloses a method/a device for dividing a time interval corresponding to the period duration into a plurality of equally sized time slots corresponding to a plurality of possible links *(See FIG. 2 Super-cycle);* permanently assigning one of the time slots to one of the possible links *(See Col 9; para. 001 & Col 10; lines 12-14);* selecting a start time of a data transmission of a new link so that a new data packet of the new link is inserted into the one permanently assigned time slot corresponding to the one possible link *(See Col 10; lines 29-43)*

Ofek does not explicitly teach a method for recurrently transmitting a plurality of data packets of the links in a period duration; selecting a plurality of start time of data transmission of the links so that the data packets of the links substantially evenly distribute with respect to time.

However, Malomsoky discloses recurrently transmitting a plurality of data packets of the links in a period duration *(See Page 4; lines 1-8);* selecting a plurality of start time of data transmission of the links so that the data packets of the links substantially evenly distribute with respect to time *(See Page 4; lines 14-18).*

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teaching method of Ofek within Malomsoky method in order to smooth the traffic; the transmission of multiplexed packets on the link may nevertheless have a bursty character *(See page 5; line 7-9).*

The combination of Ofek and Malomsoky do not explicitly teach a method for selecting a largest common divisor of a plurality of different packeting times as the period duration if the plurality of different packeting times are used in a transmission system.

However, Kalkunte discloses a method for selecting a largest common divisor of a plurality of different packeting times as the period duration if the pluralities of different packeting times are used in a transmission system *(See Col 3; 46-50)*.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teaching method of Kalkunte within Ofek and Malomsoky method in order for a new station that has the data to transmit has a higher probability of winning a collision mediation than the station having a greater number of attempts *(See Col 1 line 66 through Col 2 line 2)*.

17. **As per claim 9 & 16**: the combination of Ofek and Malomsoky and Kalkunte disclose a method wherein when setting up the new link a plurality of time gaps between the data packets of the links are evaluated within the time interval corresponding to the period duration *(See Malomsoky FIG. 3 & 4a),* wherein the start time of data transmission of the new link is selected so that the new data packet of the new link is inserted into a largest time gap between the data packets *(See Malomsoky FIG. 4a)*.

18. **As per claim 10**: the combination of Ofek and Malomsoky and Kalkunte disclose a method wherein the largest time gap is divided into two equally sized parts *(See Malomsoky FIG. 4a)*.

19. **As per claim 11**: the combination of Ofek and Malomsoky and Kalkunte disclose a method wherein the new data packet of the new link is inserted into a middle of the largest time gap between the data packets *(See Malomsoky FIG 4a)*.

20. **As per claim 12**: the combination of Ofek and Malomsoky and Kalkunte disclose a method wherein the time interval corresponding to the period duration is divided into a

plurality of equally sized time slots corresponding to a plurality of possible links *(See Ofek FIG. 2; Super-cycle),* wherein when setting up a new link a start time of data transmission is rounded so that the new data packet of the new link is inserted into a time slot *(See Ofek FIG. 3).*

21. **As per claim 13**: the combination of Ofek and Malomsoky and Kalkunte disclose a method wherein if a plurality of different packeting times are used in a system, a largest common divisor of the different packeting times is selected as the period duration *(See Kalkunte Col 3; 46-50)* and, wherein when evaluating the time gaps between the data packets of the different links within a time interval corresponding to the period duration, links which have no data packet being transmitted in the time interval are also considered *(See Malomsoky FIG. 3).*

22. **As per claim 14 & 18**: the combination of Ofek and Malomsoky and Kalkunte disclose a method wherein the links in the packet data network are time-synchronous links *(See Ofek Col 3; lines 37-40).*

23. **As per claim 17**: the combination of Ofek and Malomsoky and Kalkunte disclose a device wherein if a plurality of different packeting times are used in a transmission system, a largest common divisor of the different packeting times is selected as the period duration *(See Kalkunte See Col 3; 46-50).*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mewale Ambaye whose telephone number is (571) 270-7634. The examiner can normally be reached on M - F, 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reach on (571) 272-7527. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from their Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)?

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (In USA or Canada) or 571-272-1000.

/M. A./

Examiner, Art Unit 4124

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425